(1) (4)

C.E. 1007

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W.P.NO. 2727 /2005.

PETITIONER : Ram Lochan Shukla S/o Ramji Shukla
Retired Employee Zila Sah. Ken.Mrdt. Bank, R/O Village Jalso P.O. Semartal Tah. & Distt. Bilaspur (C.G.).

VERSUS

RESPONDENTS : 1. Chhattisgarh State Co-Operative Bank, (Populaly known as APEX BANK) Raipur (C.G.). Through General Manager, C.G. State Co-op. Bank Raipur

2. District Co-Operative Central Bank Ltd. Bilaspur (C.G.)
Through : Chief Executive Officer, District Co-op. Central Bank Ltd. Bilaspur (C.G.)

P.R. No. 2738/05
Presented by Shri PK Dubey
dated 24/6/05

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC TO DO JUSTICE IN THE MATTER.

(63)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2727 of 2005

Petitioner — Ram Lochan Shukla

Versus

Respondents — Chhattisgarh State Co-operative Bank & another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Pushpendra Kumar Patel, Advocate for the petitioner.

Shri S. L. Kurmi, Advocate for the respondents.

O R D E R

(7th November, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner joined services in the respondent No.2/Bank on 1.5.1967 and his date of birth in the service book was recorded as 1.7.1946. The petitioner, in the course of his service, did not question the date of birth till it is found that in the seniority list dated 31.3.2001 (Annexure P/4), wherein name of the petitioner is mentioned at serial number 20, his date of birth was recorded as 1.7.1947 and it was further found that in the subsequent seniority list (Annexure P/5) also, wherein name of the petitioner is mentioned at serial number 65, his date of birth was recorded as 1.7.1947. The petitioner did not make any representation before the employer Bank for change of his date of birth on the basis of the said seniority list.

2. The petitioner has filed the instant writ petition praying that the petitioner be permitted to work till 1.7.2005 on the basis of the date of birth recorded in the seniority list. The petitioner further

claims wages and interest at the rate of 18%. The notices were issued to the respondents.

3. Shri S. L. Kurmi, learned counsel appearing for the respondents submits that recording of the date of birth in the seniority lists is a typographical mistake. The petitioner ought to have made an application before the respondents for correction of the date of birth. The petitioner has not done anything. The petitioner kept quiet till he found some typographical mistake in the seniority lists and filed a writ petition directly to this Court.

4. Be that as it may, after hearing learned counsel for the parties and on perusal of the papers it is clearly established that the date of birth recorded in the service book (Annexure R-2/1) supported by the school leaving certificate (Annexure R-2/2) as 1.7.1946, is conclusive and the petitioner cannot take any advantage of some typographical mistakes crept in the seniority lists, which remained unchallenged for a long period. The petitioner has further not raised the issue before the respondents for correction of his date of birth.

5. For the reasons stated above, the petition is devoid of merit and stands accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur